

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, et al.,

Debtors.

Case No. 22-10964 (MG)

ORDER DENYING RICHARD PHILLIPS' REQUEST

The Order Establishing Case Management Procedures for the Confirmation Hearing was entered on September 15, 2023. (“Procedures Order,” ECF Doc. # 3478.) On September 20, 2023, the Procedures Order was modified pursuant to the Order Clarifying Case Management Procedures for the Confirmation Hearing (Modification #1). (ECF Doc. # 3509.) On October 10, 2023, the Procedures Order was modified pursuant to the Order Clarifying Case Management Procedures for the Confirmation Hearing (Modification #2). (ECF Doc. # 3740.) Certain of the modifications allowed supporters of the Plan adequate time to depose objectors.

On October 10, 2023, Mr. Phillips filed *Comment on Request For Clarifications, Additions, and Modifications to Confirmation Hearing Procedures* (the “Phillips Letter”) which “supported the extension, provided that it also allows objectors to depose fact witnesses.” (ECF Doc. # 3746.) On October 11, 2023, White & Case filed a letter in response. (“White & Case Response,” ECF Doc. # 3756.) The White & Case Response read the Phillips Letter as a request to reopen discovery, a characterization with which the Court agrees.

The White & Case Response argues that Mr. Phillips’ request should be denied because (1) the request is untimely; (2) Mr. Phillips has had an opportunity to, and did in fact, cross-examine Mr. Robinson, the Committee’s proffered witness on board selection; and (3) because

the second modification permitted supporters of the Plan adequate time to depose those in opposition, and Mr. Phillips is not a supporter of the Plan.

NOW, THEREFORE, IT IS HEREBY ORDERED that, for the reasons stated by the Committee in the White & Case Response, Richard Phillips' request to reopen discovery is **DENIED**.

IT IS SO ORDERED.

Dated: October 11, 2023
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge